

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

GARY LEON WEBSTER,  
ADC #114018

PLAINTIFF

v.

4:20-cv-00168-BSM-JJV

STATE OF ARKANSAS; and  
SHARI FLYNN, Director, SORA of Arkansas

DEFENDANTS

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Judge Brian S. Miller. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3. The details of any testimony desired to be introduced at the new hearing in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the new hearing.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing. Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

### **DISPOSITION**

Gary Leon Webster (“Plaintiff”) is a prisoner in the Tucker Unit of the Arkansas Division of Correction (“ADC”). He has filed a *pro se* Complaint, pursuant to 42 U.S.C. § 1983, alleging Defendants violated his constitutional rights, in several ways, by requiring him to register as a sex offender. (Doc. No. 2.) On February 21, 2020, I denied Plaintiff’s Application to Proceed *In Forma Pauperis* because he is a three-striker, as defined by 28 U.S.C. § 1915(g), who is not in imminent danger of serious physical injury. (Doc. No. 5.) I ordered Plaintiff to submit the statutory filing fee of \$400 within twenty-one (21) days and warned him I would recommend dismissal if he failed to timely do so. (*Id.*) The deadline has now passed, and Plaintiff has not paid the filing fee or otherwise responded to my Order.

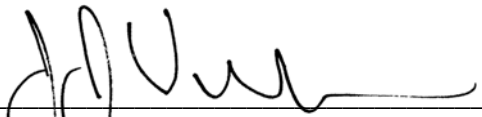
Accordingly, Plaintiff’s Complaint should be dismissed without prejudice. If Plaintiff wishes to proceed with this action, he must submit the full filing fee with his objections to this recommendation.

IT IS, THEREFORE, RECOMMENDED that:

1. Plaintiff’s Complaint (Doc. No. 2) be DISMISSED without prejudice.

2. The Court certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting this Recommendation and the accompanying Judgment would not be taken in good faith.

DATED this 18th day of March 2020.

  
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JOE J. VOLPE  
UNITED STATES MAGISTRATE JUDGE